

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

CAROL DALENKO, )  
)  
Plaintiff, )  
)  
v. )  
)  
DONALD W. STEPHENS, SHANNON )  
R. JOSEPH, SANFORD L. STEELMAN, )  
JR., BARBARA A. JACKSON, DONNA )  
S. STROUD, ROBERT C. HUNTER, )  
JAMES A. WYNN, JR., SAM ERVIN, IV, )  
WILLIAM R. PITTMAN, KENNETH C. )  
TITUS, ROBERT N. HUNTER, JR., )  
F. BLARE WILLIAMS, DONALD E. )  
HARRISON and "UNNAMED" PRISON )  
OFFICERS AND GUARDS, )  
)  
Defendants. )

**JUDGMENT**

No. 5:12-CV-122-F

**Decision by Court.**

This action came before the Honorable James C. Fox, Senior United States District Judge, for ruling as follows:

**IT IS ORDERED, ADJUDGED AND DECREED** that pursuant to the court's order dated 1/8/2013 [DE-94], Defendants' motion to dismiss [DE-41] is ALLOWED, and Plaintiff's claims against Defendants Donald W. Stephens, Shannon R. Joseph, William R. Pittman, Kenneth C. Titus, Sanford L. Steelman, Jr., Barbara A. Jackson, Donna S. Stroud, Robert C. Hunter, James A. Wynn, Jr., Sam Ervin, IV, Robert N. Hunter, Jr., and F. Blare Williams are DISMISSED.

**IT IS FURTHER ORDERED** that pursuant to the court's order dated 2/27/2014 [DE-125], Defendants' motion to dismiss [DE-100] is ALLOWED as to all claims asserted against Defendant Harrison, and the claims asserted against unnamed prison guards in their official capacities. It is DENIED as to the § 1983 claim asserted against the three prison guards, in their individual capacity, who responded to the collapse of Plaintiff in her cell.

**IT IS FURTHER ORDERED** that pursuant to the court's order dated 7/20/2015 [DE-173], Plaintiff's motion to substitute [DE-157] is ALLOWED to the extent that she seeks to name Samuel Baldwin, Meredith Richards, and Linda Smith as Defendants in this action. It is DENIED in all other

respects. The motion for summary judgment [DE-149] is ALLOWED, and the Clerk of Court is DIRECTED to close this case.

**This Judgment Filed and Entered on July 20, 2015, and Copies To:**

Carol Dalenko (via U.S. Mail)

Kathryn H. Shields (via CM/ECF electronic notification)

Roger A. Askew (via CM/ECF electronic notification)

DATE

July 20, 2015

JULIE RICHARDS JOHNSTON, CLERK

/s/ Jacqueline B. Grady

(By) Jacqueline B. Grady, Deputy Clerk